

Notice of Allowability

Application No.

10/805,082

Examiner

Travis M. Reis

Applicant(s)

ASKREN ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to phone interview with Mr. McArdle on 6/13/5.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20040319
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. McArdle on 6/13/5.

The application has been amended as follows:

In the specification:

On page 3, line 21, after "93." The following text has been inserted ---In another embodiment, housing 30 is divided into a lid 38 that mounts onto base 39---; on line 29, "4" has been replaced with the following text ---2---.

On page 7, line 14, after "(step 606)." The following text has been inserted ---The user then can produce images using the large capacity cartridges (step 608).---

On page 8, line 28, "204" has been replaced with the following text ---205---.

In the claims:

In claim 1, line 3, before "shipping" the following text has been inserted ---prior to first using,---.

Claims 21 & 22 are ---canceled---.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

In Figure 4, the reference numeral "24" on the left side of the figure will be replaced with the reference numeral "25".

In order to avoid abandonment of the application, applicant must make these above

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agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance:

With reference to claims 1-5, the prior art of record does not disclose or clearly suggest a method of supplying an image forming device to a user, the method comprising the steps of, prior to first using, shipping the image forming device with a first cartridge having a first maximum toner capacity, supplying the user with a second cartridge having a second maximum toner capacity; the first maximum toner capacity being less than the second maximum toner capacity, in combination with the remaining limitations in the claims.

With reference to claims 6-13, the prior art of record does not disclose or clearly suggest a method of manufacturing a plurality of toner cartridges comprising the steps of forming a first toner cartridge using one of the plurality of the housings, the first toner cartridge having a first maximum toner capacity; forming a second toner cartridge using one of the plurality of the housings, the second toner cartridge having a second maximum toner capacity; the first maximum toner capacity being less than the second maximum toner capacity, in combination with the remaining limitations in the claims.

With reference to claims 14-20, the prior art of record does not disclose or clearly suggest a method of utilizing an image forming device, comprising prior to first using an image forming device, shipping the first toner cartridge with an amount of the toner substantially less than the first maximum amount of toner, in combination with the remaining limitations in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

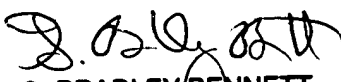
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sonoda et al. discloses a toner cartridge for an image forming apparatus (U.S. Patent 4963938). Jo discloses a developing device for use in an image forming apparatus (U.S. Patent 5659837). Endoh et al. discloses an image-forming machine with toner recycling and toner replenish control (U.S. Patent 5717973). Rogers et al. discloses a color capable electrophotographic printer (U.S. Patent 6029018). Kurosawa et al. discloses a toner cartridge having separable parts and recording apparatus with toner cartridge (U.S. Patent 6226477). Goto et al. discloses a toner replenishment container (U.S. Patent 6292644). Suigiura discloses a toner collection device with displaceable partition (U.S. Patent 6339689). Tanisawa et al. discloses a toner cartridge for image forming apparatus (U.S. Patent App. Pub. 2002/0150405). Nara discloses a developer supplying device and image forming device (JP 405249830A). Kimura discloses a toner feed device (JP 59151171A).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M. Reis whose telephone number is (571) 272-2249. The examiner can normally be reached on 8--5 M--F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Travis M Reis
Examiner
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tmr
June 13, 2005


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